

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1658.00
COMPLAINT INVESTIGATOR: Sandra Scudder
DATE OF COMPLAINT: November 22, 2000
DATE OF REPORT: December 22, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: January 18, 2001

COMPLAINT ISSUES:

Whether the MSD of Decatur Township and RISE Special Services violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP), specifically, failing to provide a one-to-one assistant for the student.
- 511 IAC 7-27-3(a)(4) with regard to the school's alleged failure to include the educational surrogate parent in the case conference committee meetings convened during the 2000-2001 school year.

During the course of the investigation, additional an additional issue was identified, which is:

Whether the MSD of Decatur Township and RISE Special Services violated:

- 511 IAC 7-17-36 with regard to the school's alleged failure provide the student with a free appropriate public education (FAPE) by failing to provide a one to one teacher assistant.

FINDINGS OF FACT:

1. The student (Student) is 13 years old and is eligible for special education and related services as a student with an Emotional Disability and a Mild Mental Disability.
2. The addendum to the Student's IEP, dated August 31, 2000, states: "Pursue D.O.E. funding for a more permanent one to one aide was reached."
3. On October 9, 2000, in another addendum to the IEP, the Student's schedule was adjusted because there was no aide for the Student. The addendum states the original schedule would resume when the aide for the Student was approved. The school's (School's) letter of response dated December 4, 2000, indicated the School is in the process of reconvening a CCC to "deal with the question of teacher aide assistance, application for such assistance if recommended by the case conference committee." To date the Student has not been provided with a one-to-one aide.
4. An educational surrogate parent ("Surrogate Parent") has been appointed for the Student. According to the signatures on the addendums dated April 12, August 31, and October 9, 2000, the

only CCC meeting the Surrogate Parent attended was on April 12, 2000. The Surrogate Parent stated that no one had notified her of any CCCs during the 2000-2001 school year, so she did not attend the CCC meetings in August and October.

CONCLUSIONS:

1. Findings of Fact #1 and #2 indicate that the Student's IEP for the 2000-2001 school year required the provision of a one-to-one aide. As of December 4, 2000, an aide had not been provided to the student. Because this provision of her IEP has not been implemented, a violation of 511 IAC 7-27-7(a) has occurred.
2. Finding of Fact #4 indicates that the Surrogate Parent was not notified of CCC meetings this 2000-2001 school year. Because the Surrogate Parent was not notified of the CCCs and was not afforded the opportunity to participate in the CCCs, a violation of 511 IAC 7-27-3(a)(4) has occurred.
3. Finding of Facts #2 and #3 reflect that, although the CCC determined the Student required a one-to-one aide in order to receive a free appropriate public education, the school has failed to provide the aide for the Student. As a result, the Student has been denied a FAPE, and a violation of 511 IAC 7-17-36 has occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Decatur Township and RISE Special Services shall:

1. provide the one-to-one aide no later than **January 12, 2001** and submit an assurance statement to the Division indicating the name of the paraprofessional and her assignment as the full-time one-to-one aide for the Student no later than January 17, 2001. If, prior to January 12, 2001, the CCC determines that the Student no longer requires a one-to-one aide, the School may disregard the corrective action. However, the School must submit to the Division no later than January 17, 2001, a copy of the CCC Report and agreed-upon IEP in which this determination was made.
2. reconvene the CCC to consider the Student's need for compensatory services resulting from the lack of a one-to-one aide. **A copy of the CCC Report/IEP shall be submitted to the Division by January 17, 2001.**
- 3.a. **submit a copy of the notice of the CCC and confirmation that the educational surrogate parent received a copy of the CCC Report/IEP to the Division no later than January 17, 2001.**
- 3.b. **submit an assurance statement by January 17, 2001, that all educational surrogate parents**

shall receive adequate notice of CCC meetings to ensure the educational surrogate parent has the opportunity to attend or otherwise participate in the CCC.